

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Thomas Martin and Nancy Martin (b) County of Residence of First Listed Plaintiff <u>Philadelphia</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number)	DEFENDANTS Air Jamaica, Ltd. County of Residence of First Listed Defendant <u>Philadelphia</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known) Lisa C. Eldridge, Thorp Reed & Armstrong, 2005 Market Street, Philadelphia, PA 19103
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table style="width: 100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)					
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN (Place an "X" in One Box Only)						
<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Brief description of cause:
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VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ 12,000.00	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	(See instructions): JUDGE _____	DOCKET NUMBER _____
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DATE <u>4/5/11</u>	SIGNATURE OF ATTORNEY OF RECORD <i>Lisa C. Eldridge / edl</i>
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FOR OFFICE USE ONLY

RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG. JUDGE _____
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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 3315 W. Queen Lane, Philadelphia, PA 19129

Address of Defendant: 1 Phila. International Airport, #AW20, Philadelphia, PA 19153

Place of Accident, Incident or Transaction: Philadelphia International Airport, Phila. PA
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases 28 USC 1330 and 1441
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4-5-11

Lisa C Eldridge/cde
Attorney-at-Law

62794
Attorney I.D.#

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

-----	X	
THOMAS MARTIN and NANCY MARTIN,	:	
	:	Civil Action No.
Plaintiffs,	:	
	:	
- against -	:	
	:	
AIR JAMAICA, LTD.,	:	
	:	
Defendant.	:	
	:	
	:	
	:	
-----	X	

NOTICE OF REMOVAL

Defendant AIR JAMAICA LIMITED (sued herein as “AIR JAMAICA, LTD.” and hereinafter “AIR JAMAICA”) by and through its attorneys, Thorp Reed & Armstrong, LLP and Condon & Forsyth LLP, hereby removes this action to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. §§ 1330, and 1441. In support of this removal, AIR JAMAICA avers as follows:

1. This action was commenced against defendant AIR JAMAICA by the filing of a Statement of Claim in the Philadelphia Municipal Court, First Judicial District of Pennsylvania on or about February 25, 2011. Service of the Statement of Claim was effected on AIR JAMAICA on or about March 7, 2011. A copy of the Statement of Claim is attached as Exhibit “A.” No further proceedings have been had in this action.

2. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1330(a) because defendant AIR JAMAICA is a “foreign state.”

3. This action is brought against a "foreign state" as that term is defined in 28 U.S.C.

1603(a) because:

- (a) Defendant AIR JAMAICA was, at the time this action was commenced, and now is a corporation duly organized and existing under and by virtue of the laws of the Republic of Trinidad and Tobago with its principal place of business in Kingston, Jamaica;
- (b) All of its capital shares are owned by a foreign state, namely the Republic of Trinidad and Tobago and Jamaica; and
- (c) Defendant AIR JAMAICA is not a citizen of a State of the United States as defined in 28 U.S.C. § 1332 (c) and (d).

4. Defendant AIR JAMAICA is therefore entitled to remove this action to this Court pursuant to 28 U.S.C. § 1441(d).

WHEREFORE, defendant AIR JAMAICA LIMITED prays that this action now pending in the Philadelphia Municipal Court, First Judicial District of Pennsylvania, be removed to this Court.

Dated: April 5, 2011

THORP REED & ARMSTRONG, LLP

By Lisa C. Eldridge / cde
Lisa Carney Eldridge, Esq.
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
(215) 640-8514

and

OF COUNSEL:

CONDON & FORSYTH LLP
By: John Maggio, Esq.
Times Square Tower
7 Times Square
New York, New York 10036
(212) 490-9100

Attorneys for Defendant
AIR JAMAICA LIMITED

EXHIBIT A



**PHILADELPHIA MUNICIPAL COURT
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

34 South 11th Street, Philadelphia, PA 19107

Marsha H. Neffield, President Judge Patricia R. McDermott, Deputy Court Administrator



STATEMENT OF CLAIM

Code: Other (11)

SC-11-02-25-6407

Thomas Martin
5315 W. Queen Ln
Philadelphia, PA 19129

Plaintiff
5315 W. Queen Ln
Philadelphia, PA 19129

Air Jamaica, Inc.
Philadelphia International Airport
Philadelphia, PA 19153

RECEIVED

MAR 07 2011

AIR JAMAICA
PHILA. INTL. AIRPORT

Plaintiff(s)

Defendant(s)

Service Address (information) if other than above:

To the Defendant: Plaintiff is seeking a money judgment against the Defendant(s) based on the following claim:
Plaintiffs paid Defendant \$1776 for two roundtrip airfares from Philadelphia to Montego Bay, Jamaica, leaving February 18 and returning February 21, 2011. Upon arrival at the airport on Feb. 18, plaintiffs learned that defendant had oversold the available seats and no seats were available for plaintiffs. Defendant offered no alternative method of travel and refused to refund plaintiffs' airfare. Plaintiffs lost in addition to the airfare, non-refundable hotel deposit in the amount of \$200, and less of enjoyment of their vacation valued at excess of \$10,000. Plaintiffs will accept for purposes of this Municipal Court proceeding only the court's maximum jurisdictional amount of \$12,000.

Summons to the Defendant

You are hereby ordered to appear at a hearing scheduled as follows:

Citation al Demandado

Por la presente, Usted esta dirigido a presentarse a la siguiente:

34 South 11th Street
Philadelphia, PA 19107
Hearing Room: 4F

April 12th, 2011

02:15 PM

Amount Claimed

Principal	\$	12000.00
Interest	\$	3.00
Attorney Fees	\$	4.00
Other Fees	\$	0.00
Subtotal	\$	12007.00
Service	\$	22.00
State Fee	\$	10.00
Automation Fee	\$	5.84
Comptroller Fee	\$	5.00
JCS St. Add. Surcharge	\$	11.73
JCS St. Add. Fee	\$	2.75
Court Costs	\$	64.00
TOTAL CLAIMED	\$	12105.00

Date Filed: 02/15/2011

I am an attorney for the plaintiff(s). As plaintiff's authorized representative, I have a power of attorney for the plaintiff(s) in this statement of claim action. I hereby verify that I am authorized to make this verification; that I have sufficient knowledge, information and belief to take this verification or have gained sufficient knowledge, information and belief from communications with the plaintiff or the persons listed below and that the facts set forth are true and correct to the best of my knowledge, information and belief. I understand that this verification is made subject to the penalties set forth in 42 Pa.C.S. § 4904, which concerns the making of unsworn statements to authorities. If I am an authorized representative or have a power of attorney, I have attached a completed Philadelphia Municipal Court authorized representative form or a completed power of attorney form.

THOMAS MARTIN

Signature Plaintiff/Attorney
Any ID# 256210

NOTICE TO THE DEFENDANT, YOU HAVE RESPONDED IN COURT.
PLEASE SEE ATTACHED NOTICE.

1845 WALNUT STREET, 25TH FLOOR
PHILADELPHIA, PA 19103
Phone: 215-567-1800

AL DELGADO GERAN DEMANDADO EN CORTE SEA POR FAVOR
LOS OFICIOS ASIGNADOS

If you wish to resolve this matter without appearing in court, please contact the attorney shown above immediately.



**PHILADELPHIA MUNICIPAL COURT
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

34 South 11th Street, Philadelphia, PA 19107
Martha H. Neufeld, President Judge Patricia R. McDermott, Deputy Court Administrator

SE-11-02-25-6407

Thomas Martin 3315 W. Queen Rd. Philadelphia, PA 19129 Nancy Martin 3315 W. Queen Rd. Philadelphia, PA 19129	AIA Jewelers, Ltd. 1 Philadelphia International Airport BAW20 Philadelphia, PA 19153
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IMPORTANT NOTICE TO ALL PARTIES



THE MUNICIPAL COURT COMPLIES WITH THE AMERICANS WITH DISABILITIES ACT WHICH REQUIRES THAT ALL COURT SERVICES AND FACILITIES BE ACCESSIBLE TO PERSONS WITH DISABILITIES ON AN EQUAL BASIS TO THOSE WITHOUT DISABILITIES. IF YOU HAVE A DISABILITY, AND REQUIRE REASONABLE ACCOMMODATIONS TO FILE A CLAIM, PARTICIPATE IN A MUNICIPAL COURT PROCEEDING, OR USE ANY SERVICE PROVIDED BY THE COURT, PLEASE CALL 215-686-7986. REQUESTS FOR REASONABLE ACCOMMODATIONS MUST BE MADE AT LEAST (3) THREE BUSINESS DAYS BEFORE ANY HEARING, OR WITHIN (3) THREE BUSINESS DAYS AFTER SERVICE (DELIVERY) OF THE NOTICE OF THE HEARING, WHICHEVER IS LATER.

NOTA IMPORTANTE PARA TODO PERSONAS



LA CORTE MUNICIPAL CUMPLE CON EL DECRETO DE AMERICANO INCAPACITADOS (AMERICANS WITH DISABILITIES ACT). ESTE DECRETO REQUIERE QUE TODOS LOS SERVICIOS Y FACILIDADES DE CORTE SEAN ACCESIBLES A PERSONAS INCAPACITADAS, AL IGUAL QUE PERSONAS NO INCAPACITADAS. SI USTED ESTE INCAPACITADO Y NECESITA ACOMODACIONES RAZONABLES, PARA PODER RADICAR UNA DEMANDA, PARTICIPAR EN ALGUN PROCEDIMIENTO O UTILIZAR SERVICIOS EN LA CORTE MUNICIPAL POR FAVOR LLAME AL TELEFONO 215-686-7986. PARA SOLICITAR ACOMODACIONES RAZONABLES, DEBE LLAMAR POR LO MENOS TRES DIAS DE TRABAJO ANTES DE SU AUDIENCIA O DENTRO DE TRES DIAS DESPUES DE RECIBIR SU CITA, SEGUN O QUE OCURRA PRIMERO.

3012346



PHILADELPHIA MUNICIPAL COURT
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

34 South 11th Street, Philadelphia, PA 19107
 Marsha H. Neffield, President Judge Patricia R. McDermott, Deputy Court Administrator

Court Room

At

at

01:18 PM

On

04/12/2011

EC-11-02-25-6402

Debbie Martin
 1515 W. Queen Ln
 Philadelphia, PA 19129
 Nancy Martin
 1515 W. Queen Ln
 Philadelphia, PA 19129

Air Jamaica, Ltd.
 Philadelphia International Airport (PHL)
 Philadelphia, PA 19115

Plaintiff

Defendant

Defendant #: 1387577

NOTICE TO DEFEND

You have been sued by the above named Plaintiff(s) in Philadelphia Municipal Court.

If you intend to enter a defense to this Complaint you must:

1. Sign the notice where indicated below, and
2. Return in the self-addressed and stamped envelope provided.

If you fail to return this notice, and you appear in Court at the time and date specified in this Notice, your case may be given a new hearing date.

If you fail to appear in Court for your hearing, a judgment will be entered against you by default.

On _____, I, the undersigned Defendant, will appear at the hearing in the above to defend my case.

I, the undersigned Defendant, hereby verify that I am authorized to make this verification and that the facts set forth above are true and correct to the best of my knowledge, information, and belief. I understand that this verification is made subject to the penalties set forth in 18 Pa. C.S. § 4904, which concerns the making of unsworn falsifications to authorities.

Signature of Defendant

Telephone Number

Return in the self-addressed and stamped envelope provided.

5490001



10003-1237110-10-cp



**PHILADELPHIA MUNICIPAL COURT
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

**WHAT TO DO IF YOU RECEIVE A NOTICE (STATEMENT OF CLAIM) THAT
YOU ARE BEING SUED IN SMALL CLAIMS COURT**

1. Read and understand the Statement of Claim. You are the Defendant, the person, group or corporation suing you is the Plaintiff. If the Plaintiff's Statement of Claim says you are in the right, about:
2. Gather all pertinent documents to present your defense, that is, letters, cancelled checks, bills of sale, letters of notification, account books and paid bills, receipts. Also notify any witnesses you want to speak on your behalf at the hearing.
3. You as an individual are not required to hire an attorney to represent you. Only corporations and unincorporated associations in cases in excess of \$2,500.00 must be represented by an attorney. In cases of \$2,500.00 or less, a corporation or unincorporated association may be represented by an officer who has documentation of such status.
4. **PLAN TO ATTEND THE HEARING** to present your defense and any counterclaims (that is, your claim against the plaintiff to offset his/her claim against you). If you have a counterclaim, call (215) 686-7987 for further information. In most cases if the defendant does not appear, the judge will decide in favor of the person who is suing. That is called a Default Judgment. (Check the Statement of Claim for location, date, and time for the hearing).
5. **Notice to Defend** - If you copy of this complaint has a Notice to Defend form attached to it, and you plan to attend the hearing and present your defense, you should do the following: (1) fill out both copies of the form and put one in the attached self-addressed and stamped envelope addressed to; and (2) bring the other copy with you when you attend the hearing. If you fail to do the above and attend your hearing, your case may be continued. If you comply with the above and the plaintiff fails to appear at the hearing, a judgment shall be entered in your favor.
6. If you admit the claim and want to settle as soon as possible, notify the plaintiff immediately. If you admit the claim, but need time to pay the money owed, you must appear in person on the day set for the hearing, state to the Court that you need time to pay, and your reasons.

IF THERE IS ANYTHING ON THE STATEMENT OF CLAIM THAT YOU DO NOT UNDERSTAND, FEEL FREE TO NOTIFY THE SMALL CLAIMS COURT OFFICE: ROOM 600, 34 SOUTH 11TH STREET, PHILADELPHIA, PA 19107, 9:00 A.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY. If you have a disability and require assistance in order to participate in a Municipal Court proceeding, please contact us at 215-686-7986.

AT THE HEARING

The courtroom procedure is simple and informal. You should appear in Court in the designated room on the time and date specified. Bring the copy of the complaint with you plus all documents for your defense. Be certain to check carefully the courtroom to which your case is assigned and go to the proper room. The proceedings begin with a roll call of cases to be heard during that session.

As each case is called, the parties involved step forward and are sworn in. At that point, plaintiff and defendant merely tell their stories in plain language to the judge. After hearing both sides, the judge will state a decision.

When you make your case:

Give the facts clearly. Present pertinent documents and testimony. Stay calm; do not get excited.

IF YOU WIN the judgment or final order is in your favor, the plaintiff has 30 days to appeal.

IF YOU LOSE

1. You can appeal within 30 days by filing a Notice of Appeal in Room 280 City Hall, a copy of which must be filed immediately in Room 600, 34 S. 11TH Street, Philadelphia, Pa. 19107. Be prepared to get a lawyer at this point, however, because the case will go to the Court of Common Pleas, with more stringent rules to be followed. OR 2. You must satisfy the judgment, that is, do as the judge ordered within 30 days.

AFTER THE HEARING

TO SATISFY THE JUDGMENT

1. The Plaintiff must sign and give you an ORDER TO SATISFY, which you must file with the Probationary within thirty days after payment. The ORDER is a document to prove that he/she has been paid and it is necessary to remove the judgment from the record. You should retain a copy for your records.

IF YOU DO NOT APPEAL AND REFUSE TO PAY THE JUDGMENT WITHIN 30 DAYS

1. The plaintiff may growl on the judgment. This means that the plaintiff takes action through the Sheriff's Office. The Sheriff may put a levy on your property, which means he can list your personal belongings to be sold at auction at a Sheriff's sale in order to pay off the judgment. If the plaintiff wants to sue you will have to pay the Sheriff's costs along with the other monies owed. You will be advised that your goods may be sold if you do not satisfy plaintiff within 15 days.
2. The plaintiff can also try to collect from your bank account.

REMEMBER

1. Read and understand the STATEMENT OF CLAIM.
2. You do not need a lawyer in Municipal Court - unless you are a Corporation or Unincorporated Association, and your case is for more than \$2,500.00.
3. ATTEND THE HEARING to avoid a default judgment - and to tell your side of the story.
4. If you lose, you can appeal to the Court of Common Pleas within 30 days.
5. Small Claims Court begins promptly at the time specified on the front of this complaint. Be certain to allow yourself sufficient time to arrive at Court on time.
6. If you have any questions, call or visit the Small Claims Court Office.

Small Claims Court
A Division of Municipal Court
Room 600, 34 South 11TH Street
Philadelphia, PA 19107
Monday through Friday
(215) 686-7987 (215) 686-7986

31-578100



**PHILADELPHIA MUNICIPAL COURT
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

34 South 11th Street, Philadelphia, PA 19107

Marsha R. Nefield, President Judge

Patricia R. McDermott, Deputy Court Administrator

SC-11-62-25-6407

General Affidavit for Municipal Court Rule #109

THOMAS MARTIN

depose and say that the facts set forth in this affidavit are true and correct and acknowledge that I am subject to penalties of 15 P.S. § 204 relating to Unsworn Fabrications to Authorities.

- ☒ I affirm that the name of the Defendant Air Terminal, Ltd. is the only one known. I have made a reasonable investigation and this is the only known name.
- ☐ An invoice or statement of account is not available for the reason that _____
- ☒ The contract or writing upon which this claim is based is not available because _____
The transaction was completed electronically and no paper contract exists.
- ☐ A statement of the pertinent portions or substance of the writing is attached.
- ☐ This claim involved repairs and I do not have an estimate to repair or a repair bill and I have stated the reasons for this in the complaint.
- ☐ A copy of the lease is not available for the reason that _____
- ☐ The license is not attached.
- ☐ A copy of the notice to quit is not available for the reason that _____

The particulars of the notice are as follows:

Date the notice was sent to Tenant: _____

Date Tenant was given to move by was: _____

How was the notice served on the Tenant: _____

Reason given to the Tenant in the notice (what was the breach of the lease, etc.): _____

I am an attorney for the plaintiff, the plaintiff's authorized representative or have a power of attorney for the plaintiff(s) in this affidavit action. I hereby verify that I am authorized to make this verification; that I have sufficient knowledge, information and belief to make this verification or have gained sufficient knowledge, information and belief from communications with the plaintiff or the person listed below and that the facts set forth are true and correct to the best of my knowledge, information and belief. I understand this affidavit is made subject to the penalties set forth in 18 P.S. § 204, which concern the making of unsworn fabrications to authorities. If I am an authorized representative or have a power of attorney, I have attached a completed Philadelphia Municipal Court authorized representative form or a completed power of attorney form.

THOMAS MARTIN

Signature



The Municipal Court complies with the Americans with Disabilities Act, which requires that all Court services and facilities be accessible to persons with disabilities on an equal basis to those without disabilities. If you have a disability and require reasonable accommodations in filing a claim, participating in Municipal Court proceedings, or use any services provided by the Court, please call 215-685-2866. Requests for reasonable accommodations must be made at least three business days before any hearing, or within three business days after service (delivery) of the Notice of Hearing, whichever is later.

49-30719

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Removal was served upon the following by facsimile on April 5, 2011:

Clerk, Philadelphia Municipal Court
First Judicial District of Pennsylvania
34 South 11th Street
Philadelphia, PA 19107
#SC-11-02-6407

I further certify that a true and correct copy of the foregoing Notice of Removal was served upon the following by hand delivery on April 5, 2011:

Thomas Martin, Esquire
1845 Walnut Street
25th Floor
Philadelphia, PA 19103


Lisa Carnoy Eldridge